



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

June 23, 2010

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 51 TO THE LAND USE CODE (LUC)

Dear Subscriber:

Enclosed is Supplement No. 51 to your copy of the City of Tucson *Land Use Code (LUC)*.

This Supplement includes:

1. Ordinance 10811, Amending Section 3.4.4.1., *Off-Street Loading, Design Criteria, Location Requirements*, adopted by the Mayor and Council on June 22, 2010.
2. Ordinance 10813, Amending Section 4.1.7.2., *Subdivisions, Tentative Plat Approval Period*, adopted by the Mayor and Council on June 22, 2010.
3. Ordinance 10813, Amending Section 5.3.8.2., *Administration, Special Development Applications, Expiration Dates*, adopted by the Mayor and Council on June 22, 2010.

Please recycle and replace pages in your *LUC* as follows:

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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 837-6951.

Sincerely,

Adam Smith, Principal Planner
Planning & Development Services Department

Enclosures: Supplement No. 51

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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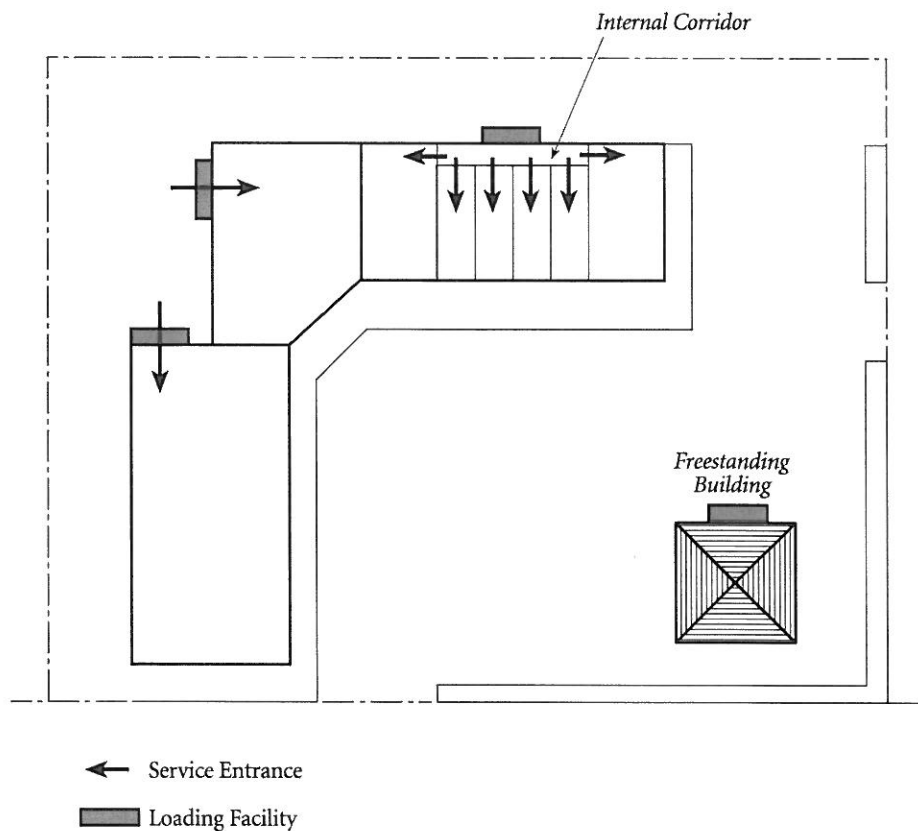
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- B. If an expansion is twenty-five (25) percent or greater or if a series of expansions cumulatively results in a twenty-five (25) percent or greater expansion in land area, floor area, or vehicular use area, the requirements of this Division apply to the entire site.
- C. If the sole reason for an expansion is to bring the number of loading spaces associated with an existing use into conformance with the minimum number of spaces required by the Land Use Code (LUC) for that use, the expansion area does not count as an expanded area when calculating the percent of expansion.
- D. Expansions as noted in Sec. 3.4.3.7.A and Sec. 3.4.3.7.B are cumulated over time from April 1, 1969, and once a development is brought into conformance with the provisions of this Division, subsequent expansions will begin cumulating as of the date the development was brought into conformance.

3.4.4 DESIGN CRITERIA. All loading spaces shall comply with requirements of Development Standard No. 3-05.0, Vehicular Use Area Design Criteria, and the following.

3.4.4.1 Locational Requirements. Loading spaces shall be located on the same site or lot as the use they serve, except on the following applications.

- A. *Campus Style Development.* On campus style development, the loading spaces can be located at one (1) building. Campus style developments include such uses as hospitals or schools which involve one (1) land use, but more than one (1) building, and goods are delivered to one (1) location where they are stored for distribution within the project.
- B. *Projects with Two (2) or More Principal Uses.* Projects with two (2) or more principal uses on the same site conducted as a single project which integrates elements of the various uses, such as, but not limited to, vehicular parking, vehicular and pedestrian circulation, refuse collection, and loading services, among the various uses shall locate loading spaces as follows.
 - 1. *General Application.* On these types of projects, the loading space required for each use shall be located in close proximity to the service entrance of the use it serves. If the project is housed in a building which has a corridor, interior to the building, specifically allocated for the delivery of goods from a centralized loading area to all uses within the building, the number of loading spaces required for the project may be located at that one (1) location. (See Illustration 3.4.4.3.B.1.)



3.4.4.1.B.1 Location of Loading Spaces for Projects with Two or More Principal Uses

2. *More Than One (1) Building.* On a project containing more than one (1) building, loading spaces shall be provided for each building, based on the number of spaces required for the uses within each building. If more than one (1) use is located within a building, the loading space for each principal use shall be located in close proximity to the service entrance of the use it serves. If a building has a corridor, interior to the building, specifically allocated for the delivery of goods from a centralized loading area to all uses within the building, then the required number of loading spaces for uses within that building may be located at that one (1) location.
 3. *Projects with Billboard On Site.* On a project with an existing or a proposed new billboard on site, the loading space required for the billboard must be located immediately adjacent to the billboard and outside the area defined by a vertical line intersecting the ground and any structural element extending from the billboard, including, but not limited to, overhangs, cantilevered beams, and elevated walkways. (Ord. No. 8610, §1, 11/27/95)
- C. Loading zones may be co-located within the approach area for dumpster containers and the stacking spaces of drive-through aisles when safety and access issues are appropriately addressed and delivery and solid waste collection schedules are coordinated so as not to conflict with one another. (Ord. No. 10811, §1, 06/22/10)
- 3.4.4.2 Access Requirements. Access to a loading space shall be from a street. Access from an alley is also permitted, provided the alley is at least twenty (20) feet wide, paved for its entire block length, and zoning on both sides of the alley, for its entire length within the block, is nonresidential.

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- 4.1.4.1 Improvements and Financial Assurances. A subdivider shall construct all required subdivision improvements at no expense to the City. Required improvements include items such as streets, sidewalks, storm drainage, flood control, sewer, electric and water utilities, communication cables, natural gas service, the placement of survey monuments, and other public improvements and infrastructure determined necessary as a result of the development of the subdivision. The subdivider must complete the required improvements prior to the recordation of the final plat, or the subdivider may post financial assurances as detailed in Development Standard 1-04.0 to guarantee the completion of the required improvements. Assurances may be in the form of performance bonds, third party trusts, cash escrow funds, or other security acceptable to the City.
- 4.1.4.2 Survey Monuments Required. The subdivider shall place survey monuments of appropriate type and design delineating the external boundary of the parcel being subdivided, public streets, and all public street intersections within or adjacent to the subdivision, installed in accordance with established practices of the City.
- A. External boundary survey monuments for the parcel being subdivided must be installed prior to recordation of the final plat.
- B. All other monuments are to be installed prior to the recordation of the final plat, unless the subdivider has posted financial assurances with the City to assure the installation of the monuments after recordation.
- 4.1.4.3 Permits for Model Homes. Upon approval of the tentative plat, up to five (5) single-family model homes may be authorized for construction prior to recordation of the final plat, provided: (Ord. No. 9392, §1, 5/22/00)
- A. Sale or occupancy of the individual unit as a residence does not occur until after recordation of the final plat and the City's release of financial assurances for improvements, and
- B. The location of each unit is based on the lot configuration approved for the tentative plat at one (1) unit per proposed lot.
- 4.1.4.4 Land Clearing and Grading. Land clearing or grading may begin after grading plans are approved, provided the plans are prepared in compliance with an approved tentative plat and such tentative plat is in conformance with the underlying zoning.
- 4.1.4.5 Plat Abandonment. A recorded plat that is proposed for abandonment or vacation of lot lines must be replatted following the procedures set forth in this Article.
- 4.1.5 PREAPPLICATION CONFERENCE.** Prior to filing a subdivision application, the subdivider is encouraged to meet in a preapplication conference with City staff responsible for subdivision review. The preapplication conference requires no fees and is available as an informal review opportunity for the applicant. Comments provided as part of the preapplication conference do not constitute approval by the City of any construction drawings, land transactions, or private development matters. The conference is designed to accomplish the following.
- Assist the subdivider in analyzing the proposed development and plan for sound integration of the subdivision within the community; and
 - Provide guidance to the applicant regarding City regulations.
- 4.1.6 PLATTING PROCEDURES.**
- 4.1.6.1 Tentative Plats. A tentative plat must be prepared, processed, and approved in accordance with Sec. 23A-33 and applicable Development Standards. (Ord. No. 9392, §1, 5/22/00; Ord. No.9967, §4, 7/1/04)

- A. *Tentative Plat Approval.* The zoning of the property must permit the proposed use, and any change in zoning must have been adopted prior to the approval of the tentative plat. (Ord. No. 9392, §1, 5/22/00)
- B. *Grading Plan.* Grading plans may be submitted for review prior to approval of the tentative plat in accordance with criteria listed in Development Standard 2-03.0 but cannot be approved until after the tentative plat has been approved.
- C. *Significance of Tentative Plat Approval.* Approval of the tentative plat constitutes authorization for the subdivider to proceed with the preparation of the final plat. (Ord. No. 9392, §1, 5/22/00)
 - 1. Once a tentative plat is approved, the basic conditions under which approval of the tentative plat is granted will not be changed without concurrence of both the reviewing departments and agencies and subdivider prior to the expiration date of the tentative plat. (Ord. No. 9392, §1, 5/22/00)
 - 2. Approval of a tentative plat does not assure final acceptance of streets for dedication.

4.1.6.2 Final Plats. Final plats shall be prepared, processed, approved, and recorded in accordance with requirements of this Division, Sec. 23A-33, and applicable Development Standards. (Ord. No. 9967, §4, 7/1/04)

4.1.6.3 Land Survey Exception. A subdivision may be recorded by a land survey if it meets the criteria for a minor subdivision established in Division 2 of this Article and assurances are provided for the construction of any required infrastructure that are acceptable to the DSD Director. (Ord. No. 9967, §4, 7/1/04)

(Ord. No. 8808, §1, 1/27/97; Ord. No. 9392, §1, 5/22/00)

4.1.7 EXPIRATION DATES. Expiration dates for all platting applications are as follows.

4.1.7.1 Maximum Review Period. The subdivider has one (1) year from the date of application to obtain approval of a tentative plat which complies with requirements in effect at the time of application. If at the end of the one (1) year period the tentative plat does not comply with those requirements, the tentative plat must be revised and resubmitted in compliance with regulations in effect at the time of resubmittal. This resubmittal initiates a new one (1) year review period.

4.1.7.2 Tentative Plat Approval Period. Approval of a tentative plat is valid for a period of three (3) years after the date of approval. (Ord. No. 10813, §1, 6/22/10)

- A. The expiration date for the approval of a tentative plat being platted and recorded in phases is subject to the same three (3) year period. Each phase shall be evaluated as per Sec. 4.1.7.4.
- B. Changes in the *Tucson Code* which relate to requirements of platting that occur between the time the tentative plat is accepted for review and the expiration of the time period allotted to gain approval shall not apply to the application under review unless specifically stated in the adopting ordinance.

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- 4.1.7.3 Final Plat Approval Period. A final plat must be approved and recorded within three (3) years of the tentative plat approval date. (Ord. No. 10813, §1, 6/22/10)
- 4.1.7.4 Tentative Plat Approval Extension. A subdivider may request an extension of the tentative plat approval period. The extension may be granted based on the following: (Ord. No. 10813, §1, 6/22/10)
- A. Up to a one (1) year time extension to the three (3) year tentative plat approval period, provided there have been no changes in City regulations applicable to the proposed subdivision since the approval of the tentative plat; or
 - B. Up to one (1) year periods of extension for each phase of a tentative plat being platted and recorded in phases, provided there have been no changes in City regulations applicable to the proposed subdivision since the approval of the tentative plat phase under consideration.
- 4.1.7.5 Resubmittal After Expiration of Approval. A proposed subdivision or a phase of a proposed subdivision for which the tentative plat approval period has expired shall be reconsidered as follows.
- A. If the tentative plat, using the same design concept previously approved, is resubmitted within three (3) months of the date of expiration of the approval, the resubmittal shall be considered a new application for review purposes; however, new application fees will not be required.
 - B. If the tentative plat is designed differently from the design previously approved or is resubmitted more than three (3) months after the date of expiration of approval, the resubmittal shall be considered a new application, and appropriate application fees will be required.
- 4.1.8 **SUBDIVISION DESIGN STANDARDS.** The following standards are in addition to those established by other sections of the Tucson Code and any applicable Development Standards.
- 4.1.8.1 Streets. Streets shall be designed in accordance with Sec. 3.2.1.3.
- A. Whenever a tract to be subdivided embraces any part of a street designated in the adopted MS&R Plan, the street shall be platted in conformance with the Plan.
 - B. Certain proposed streets, as designated by the City Engineer or designee, shall be extended to the subdivision boundary to provide future connection with adjoining unplatted land. (Ord. No. 9392, §1, 5/22/00)
 - C. Street layout shall provide for the continuation or discontinuation of such streets as the City Engineer or designee may designate. (Ord. No. 9392, §1, 5/22/00)
- 4.1.8.2 Access. All subdivisions must provide a minimum of one (1) legal, all-weather access connection to all lots. If the all-weather access connection is located outside the subdivision boundary, then the applicant must include assurances for financial participation in the improvement.
- A. All subdivisions developed in phases must be designed to provide legal access of sufficient size for vehicular and pedestrian access to all phases of the development.
 - B. Any proposed subdivision being divided from a larger piece of property must assure legal access of sufficient size to provide vehicular and pedestrian access to that portion of the property not included in the proposed subdivision.

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- 4.1.8.3 Alleys. Alleys are public ways used primarily for the placement of utilities and refuse collection. Alleys are required in new subdivisions only for the purposes of completing existing alley systems or providing turning radii for vehicles within existing alley systems that abut the proposed subdivision.
- A. When alleys are required or are provided by the subdivider, they shall be not less than sixteen (16) feet wide where there is residential development or residential zoning on both sides of the alley and not less than twenty (20) feet wide where there is nonresidential development or nonresidential zoning on at least one (1) side.
- B. Alley intersections and sharp changes in alignment shall be avoided, but if necessary, corners will be designed with a radius spandrel in accordance with City Engineering standards to permit safe vehicular movement. Spandrels of lesser dimensions may be approved by the City Engineer or designee where determined that safe circulation and public services will not be impeded. (Ord. No. 9392, §1, 5/22/00)
- C. The use of alleys for vehicular maneuvering or loading is prohibited, unless specifically permitted by another section of this Chapter.
- 4.1.8.4 Easements Required. Easements shall be provided for utilities, vehicular and pedestrian access, drainage, and other purposes as required by the appropriate utility agency or City department.
- 4.1.8.5 Lots. All lots shall comply with Sec. 3.2.1.4.
- 4.1.8.6 Parks, Recreational Facilities, Fire Stations, and School Sites. Where, in accordance with an adopted plan, it is determined that there are inadequate parks and recreational facilities, fire stations, or school sites, the Mayor and Council may require that land area within the subdivision be reserved for one (1) or more of those uses. Such requirement shall be in accordance with state subdivision statutes regulating reservation of parks, recreational facilities, fire stations, and school sites.
- 4.1.8.7 Hydrology. All subdivisions shall comply with the City's floodplain regulations; Development Standard 10-01.0, Stormwater Detention/Retention Manual; and Development Standard 10-02.0, Manual for Drainage Design and Floodplain Management, as applicable.
- 4.1.8.8 Phased Subdivisions. All subdivisions platted in phases must indicate compliance with all City regulations and standards independently in each phase. (Ord. No. 9138, §1, 10/5/98)
- 4.1.9 CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT, TOWNHOUSE, MOBILE HOME PARK SUBDIVISION CONVERSIONS.**
- 4.1.9.1 Final Plat Approval. Any subdivider proposing to convert an existing apartment house or mobile home park to a condominium, cooperative, community apartment, townhouse, or mobile home park subdivision by filing a subdivision plat shall have satisfied the following requirements prior to approval of a final plat by the Mayor and Council.
- A. *Notice of Intent to Convert*. The subdivider shall submit an affidavit stating that the subdivider has provided or will provide written notice of the subdivider's intent to convert to all tenants of units to be converted, beginning not less than one hundred twenty (120) days prior to the date on which the first unit is offered for sale, and will continue to provide such notice to prospective tenants until all units have been sold.
- B. *Exclusive Right to Purchase*. The subdivider shall submit an affidavit stating that the subdivider will provide existing tenants an exclusive right to purchase the unit the tenant leases at a price which is not more than the price at which the subdivider intends to offer the unit to the general public for a period of not less than sixty (60) days from the date a tenant's unit is offered for sale.

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- 5.3.7.5 **Forfeiture.** If the temporary use or structure is not removed or the site does not achieve compliance, the bond required by Sec. 5.3.7.2 is forfeited.
- 5.3.7.6 **Time Limit.** Approval for a temporary use or structure may be granted for one (1) year, with an additional one (1) year period granted for good cause, unless otherwise stipulated in the temporary use or structure qualification criteria in Sec. 5.3.7.1. (Ord. No. 8786, §1, 12/16/96)
- 5.3.8 **DEVELOPMENT PLAN.** A development plan is a drawing of a project site that provides detailed information as to how a proposed project will be developed in compliance with City ordinances and regulations. When a development plan is required to be processed in accordance with this Section, preparation, application, review, and approval shall be as follows.
- 5.3.8.1 **Review Procedure.** Preparation, application, review, and approval of development plans shall be in accordance with procedures established in Sec. 23A-34. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.3.8.2 **Expiration Dates.** Expiration dates for development plans are as provided below. For the purposes of Sec. 5.3.8, "construction or building permits" are those permits issued for the construction of the project, such as, but not limited to, infrastructure improvements, building foundations, buildings, paving of vehicular use areas, or similar types of improvements related to the construction and implementation of the project. Permits for: a) clearing, grubbing, and grading of a site; b) construction of a section of sidewalk; c) installation of screening; d) paving of an access driveway but not the parking associated with the use; or e) any similar type of work are not considered "construction or building permits" for purposes of this Section, unless specifically stated otherwise by this Section or the process requiring the applicability of this Section.
- A. *Maximum Review Period.* Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an applicant has one (1) year from the date of application to obtain approval of a development plan that complies with zoning and other development requirements in effect at the time of application, unless an ordinance adopted by Mayor and Council during this period states otherwise. A development plan application that has been in review for a period of one (1) year which has not been approved is considered denied. To continue the review of a development plan for the property, a new development plan which complies with regulations in effect at that time must be submitted. The new submittal initiates a new one (1) year review period. (Ord. No. 9635, §2, 12/10/01)
- B. *Development Plan Approval Period.* Except in the case of a Protected Development Right Plan, Sec. 5.3.10, an approved development plan remains valid for a period of three (3) years from the date of approval. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9635, §2, 12/10/01; Ord. No. 10813, §2, 6/22/10))
1. If, at the end of three (3) years, building permits have not been obtained, a new development plan application, in compliance with regulations in effect at the time of its resubmittal, is required.
 2. If the project is being developed in phases and permits have not been issued for all phases within the three (3) year period, developers of subsequent phases have one (1) additional year to obtain permits. If, at the end of the four (4) year period, permits have not been issued, review and approval of a revised development plan for the undeveloped portion, in compliance with all regulations and/or ordinances in effect at the time of resubmittal, are required prior to the issuance of building permits.
 3. If construction permits are issued within the required time period, but the construction of the project has not commenced and the permit and development plan approval periods expire, the approval of the development plan is considered expired. Review and approval of a revised development plan, in compliance with regulations and ordinances in effect at the time of resubmittal, are required prior to the issuance of building permits.

4. If construction permits are applied for but not issued within the time period required by this Section, the time period is extended an additional three (3) months to allow for completion of the review and for the issuance of permits.
5. If the approval period has expired pursuant to Sec. 5.3.8.2.B.1, .B.2, .B.3, or .B.4 of this Section, the resubmittal to obtain approval of a new development plan initiates a new review period in accordance with Sec. 5.3.8.2.A.

5.3.8.3 Issuance of Building Permits. Review and approval for the issuance of permits for development plans shall be as follows.

- A. *Approved Development Plan.* The approved development plan shall be filed with the official building records for the site and shall be the basis for the issuance of building permits. Building permit applications shall include a copy of the approved development plan bearing the appropriate approval signature. (Ord. No. 9392, §1, 5/22/00)
- B. *Change From, or Expiration Of, an Approved Development Plan.* Building permit applications involving construction which changes from the approved development plan or if the approval has expired shall be accompanied by a copy of an amended development plan bearing the Planning and Development Service Department's approval. (Ord. No. 9967, §5, 7/1/04; Ord. No. 10813, §2, 6/22/10)
 1. The Planning and Development Services Department Director may approve minor changes from the approved plan without processing the plan through the entire review process. Determination as to whether the change is minor or major is made by the Planning and Development Services Department Director on a case-by-case basis. Changes in site design include, but are not limited to, building height, density, land use, parking, and traffic circulation. (Ord. No. 9967, §5, 7/1/04; Ord. No. 10813, §2, 6/22/10)
 2. Major changes from the approved plan require review and recommendation of approval of the new plan by the review agencies. If the development plan is required as a special requirement imposed by the Mayor and Council, a major deviation shall require approval by the Mayor and Council prior to review of the revised plan. (Ord. No. 9392, §1, 5/22/00)

5.3.9 **SPECIAL EXCEPTION LAND USES.** Special Exception Land Uses are uses which are not allowed by right within a zone but are permitted if approved through a particular review process. Within each zone, there is a section or subsection entitled Special Exception Land Uses which lists those land uses that are eligible for consideration within that zone under one (1) of the Special Exception Land Use review procedures.

5.3.9.1 Purpose. Special Exception Land Uses are often desirable but may have detrimental effects on adjacent properties or neighborhoods or on the surrounding community if not properly designed and controlled. A special review of these land uses is necessary to ensure that avoidable problems or hazards are not created and that such uses are consistent with the intent of this Chapter and the zones under which they are permitted.

5.3.9.2 Review and Approval Procedures. Special Exception Land Uses are reviewed under one (1) of three (3) different procedures. The applicable procedure is provided in the individual zone for the land use. The procedures are as follows. Application requirements shall be established by the Development Services Department Director and shall include, but not be limited to, information on the subject property and surrounding uses, proposed use, traffic considerations, land use impact analysis, and any other information as appropriate to evaluate the requests. (Ord. No. 9967, §5, 7/1/04)